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# Wisconsin Karner Blue Butterfly Habitat Conservation Plan and Environmental Impact Statement

## I. Introduction

### A. Introduction and Background

This section provides a brief introduction to the Wisconsin Karner Blue Butterfly Habitat Conservation Plan (HCP) and Environmental Impact Statement (EIS). General information is provided on endangered species laws, non-federal lands, the Karner blue butterfly and their inter-relationships. An introduction to the regulatory framework for the Wisconsin Karner Blue Butterfly HCP is provided. In addition, the purpose and need for the HCP and an incidental take permit are documented.

#### 1. The Endangered Species Act

The U.S. Congress enacted the Endangered Species Act (ESA) in 1973 to protect plant and animal species that are in danger of, or threatened with, extinction. The U.S. Fish and Wildlife Service (USFWS) is responsible for implementing the ESA for those species under its jurisdiction. Section 9 of the ESA, its primary species protection provision, generally prohibits the taking of federally-listed threatened or endangered fish and wildlife species.

"Take" is the act of killing, harming, collecting, capturing, or harassing a member of a protected species. The term "member" includes all life stages of the species. In some instances, modifying or disturbing the habitat of a listed species to the point that the ecological processes of the species are adversely affected can also constitute take. These processes include feeding, breeding and sheltering.

**The ESA and Non-federal Lands.** The ESA establishes two processes that allow for the limited take of federally-listed species on non-federal lands, provided measures are taken to conserve affected species. These processes are the formal section 7 consultation process [section 7(a)(2), ESA] and the incidental take permit process [section 10(a)(1)(B), ESA].

Section 7(a)(2) requires federal agencies to consult with the USFWS to insure that any action authorized, funded, or carried out by such an agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Federal actions that result in take are subject to a formal consultation process, the conclusion of which is the issuance by the USFWS of a Biological Opinion and an Incidental Take Statement. The Incidental Take Statement authorizes a defined

amount of take and the Biological Opinion establishes reasonable and prudent measures to minimize harm to the species. The consultation process under section 7 can affect non-federal landowners if a project or activity on non-federal lands requires some form of federal approval, such as a permit, or involves the expenditure of federal funds.

Section 10(a)(1)(B) provides a mechanism to address situations in which non-federal projects or activities not requiring federal authorization or funding are in potential conflict with the protection of a listed species. Under section 10(a)(1)(B), an Incidental Take Permit (ITP) allows for the take of federally-listed species on non-federal lands where their presence interferes with land use activities that would otherwise be legal, as long as certain conditions are met. The ESA specifies those conditions as follows:

- ☞ the taking will be incidental;
- ☞ the applicant will minimize and mitigate the impacts of such takings;
- ☞ the applicant assures that adequate funding for the plan will be provided;
- ☞ the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
- ☞ any additional measure, assigned by the Secretary, will be met.

To obtain an ITP, the non-federal landowner must develop a habitat conservation plan (HCP). An HCP is a formal plan that specifies:

- ☞ the impact to the species which will likely result from the taking;
- ☞ what steps the applicant will take to minimize and mitigate the impact and the funding that will be available to implement such steps;
- ☞ what alternative actions to the taking were considered and the reasons why the alternative actions were not used; and
- ☞ other measures that the Secretary may require as necessary or appropriate for the purposes of the plan.

The various parts of Chapter II address each of these items. The Environmental Impact Statement contained primarily in Chapters III through IX provides an assessment of likely impacts of HCP implementation on the human environment.

*Note:* Wisconsin's endangered species laws are discussed in the next section of this chapter (pages 4-5).

**Non-federal Public Conservation Lands.** About fifteen percent of the Wisconsin landscape is in public ownership. Less than five percent is federally owned; the balance consists of state, county and municipal ownership. Lands owned by the state Department of Natural Resources (DNR) account for 1.2 million acres, and county owned forests involve another 2.3 million acres. The state and county lands that are included in this HCP are described in Chapters II and III.

State and county lands are used for both public recreation and conservation purposes. Properties owned and managed by the DNR include state forests, state wildlife areas, state fisheries areas, state parks and state natural areas. A list of DNR properties included in this HCP is included in

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Table 3.1 in Chapter III (pages 192-197). Part H of Chapter II explains how the DNR will implement management activities on these lands. The most intensive conservation efforts for the Karner blue butterfly, including some recovery efforts, will be conducted on non-federal public lands.

County forest lands owned by eight Wisconsin counties are included in this HCP (see Table 1.1, page 9). Under section 28.11(5)(a), *Wis. Stats.*, 28 counties have enrolled their lands for multiple uses under the direction of their respective comprehensive land use plans. These plans are prepared with technical assistance from the DNR and other agencies and are subject to DNR approval. The current plans cover the period 1996-2005.

The intensity of conservation efforts on individual county forest lands may be limited by what is outlined in the applicable ten-year master plan, time and budget constraints of county forestry departments and the interest of elected county officials. Part H of Chapter II explains how management activities will be implemented on these lands.

**Transportation Corridors.** An additional category of public lands includes state, county and other public road rights-of-way. These corridors, owned or managed by state and local governments, can provide suitable habitat for Karner blue butterflies and can function as short-term refugia and dispersal corridors.

The Wisconsin Department of Transportation (DOT) is a partner in the HCP process. Though the primary concern of the DOT is to administer the safe and efficient travel needs of the public, the DOT will minimize incidental take through proactive right-of-way management. Where possible, this corridor management will be done in conjunction with other partners to maximize benefits to Karner blue butterflies (e.g., by providing dispersal corridors). The focus of conservation activities on these lands is outlined in Part C of Chapter II.

County and township highway departments also maintain roadside rights-of-way. These entities will be brought into the Wisconsin HCP process to manage these areas with consideration for Karner blue butterflies as described in detail in Part F of Chapter II.

**Private Lands.** Nearly 85 percent of Wisconsin's land is held in private ownership (DNR 1993). Since Karner blue butterflies and their habitat are not restricted to public lands, meaningful conservation of this species should involve private land owners.

The amount of conservation that can be accomplished on private lands for which there are other goals depends largely on landowner flexibility in time, space and financial strategy. One category of private, commercial lands in Wisconsin -- industrial forest lands has significant Karner blue butterfly conservation opportunities. Where these lands are included in the HCP, the focus will be on integrating meaningful conservation measures into commercial timber production, harvest and transportation. The process of harvesting and establishing new forest stands can create new

Karner blue butterfly habitat. Measures important to the protection of that habitat will be implemented by individual companies in accordance with this HCP, and each will enter into individual, legally-binding conservation agreements.

Individual non-industrial landowners generally have relatively small land holdings. Although they collectively own most of the land, they have the least ability to individually make significant contributions to the conservation of the Karner blue butterfly. These landowners remain responsible for avoiding the intentional destruction of the species and its habitat, but will be covered by the ITP through the participation plan outlined in Part F of Chapter II (pages 129-142).

In addition to the above mentioned private landowners, there are numerous non-profit conservation organizations that own and manage land. One of these, the Nature Conservancy, is an active partner in the HCP process. Lands owned by the Nature Conservancy are acquired for the protection of native habitats and the biological diversity they sustain. Active ecosystem management, including management for associated species and activities which support butterfly recovery, will be the focus on these lands. This management will be in accordance with this HCP and the individual *species and habitat conservation agreements* (conservation agreements) signed by the partners.

**Utility Rights-of-Way.** Utilities -- primarily gas and electric -- have their facilities on long narrow corridors between their operating stations. These companies usually hold easements across lands owned by other entities. Like transportation corridors, utility right-of-way corridors can serve as refugia and dispersal corridors for Karner blue butterflies. In the utility industry, right-of-way maintenance is necessary to provide quality service, reliability and safety to customers and the general public. By using adaptive management and conservation measures during routine maintenance, the natural community structure of these areas can be expected to remain constant or improve for the butterfly. Additionally, some of these areas may be able to be actively managed in cooperation with land owners and state and local governments to further benefit Karner blue butterflies. These types of arrangements are embodied in signed conservation agreements.

## **2. Management of Nongame, Endangered and Threatened Species in Wisconsin**

Section 29.175, *Wis. Stats.*, authorizes the Wisconsin Department of Natural Resources (DNR) to "conduct investigations of nongame species in order to develop scientific information relating to population, distribution, habitat needs and other biological data in order to determine necessary conservation measures." On the basis of these scientific determinations, the DNR may promulgate rules and develop conservation programs designed to ensure the continued ability of nongame species to perpetuate themselves.

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Despite the fact that Wisconsin's natural landscape has been significantly fragmented and that some land management practices may or may not mimic natural processes occurring prior to European settlement, it is unclear how land use practices have impacted Karner blue butterfly populations in Wisconsin. The DNR has not proposed that the Karner blue butterfly be listed as a threatened or endangered species under Wisconsin's endangered species law. However, under section 29.415(3)(a), *Wis. Stats.*, the state's endangered and threatened species list includes wild plants and animals on the federal list of endangered and threatened native species. Karner blue butterflies are federally-listed as endangered because of population declines that have primarily occurred east of Wisconsin.

Prior to 1996, section 29.415(4)(a), *Wis. Stats.*, prohibited the taking of listed species. In April 1996, Wisconsin Governor Tommy Thompson signed 1995 Assembly Bill 585 amending s. 29.415, *Wis. Stats.* to allow for the incidental take of state-listed species. Similar to federal law, the DNR must review proposals for incidental take and must conclude that the taking will not appreciably reduce the likelihood of the survival and recovery of the endangered or threatened species in question, the plant and animal community it is a part of, or the habitat critical to its existence in the state. The provision does not apply to species that are federally-listed and which fall under the auspices of federal processes.

Section 29.415(7)(b), *Wis. Stats.*, authorizes the DNR to enter into agreements with federal agencies, other states, political subdivisions of this state, or private persons with respect to programs designed to conserve endangered or threatened species of wild animals or wild plants. The Wisconsin Karner Blue Butterfly HCP is an example of such an arrangement, since the state's endangered species list includes those species federally-listed as endangered as well as those that are state-listed.

In April 1995, the Wisconsin Natural Resources Board approved the report *Wisconsin's Biodiversity as a Management Issue*. The Board directed the DNR to apply ecosystem management principles and practices to department programs so that goals and priorities for biological diversity could be determined in the context of ecological, socio-economic and institutional issues. The Wisconsin Karner Blue Butterfly HCP is an attempt by the DNR to carry out ecosystem management and represents a structured approach to the search for solutions that integrate ecological, socio-economic and institutional concerns.

### **3. The Karner Blue Butterfly**

The USFWS listed the Karner blue butterfly (*Lycaeides melissa samuelis*) as an endangered species in 1992. Reasons for listing included a significant reduction in the butterfly's range and population numbers; modification, destruction and fragmentation of remaining habitat; succession in the absence of disturbance processes; collection pressure; and the lack of adequate

mechanisms to protect the habitat on which it depends (USFWS 1992). The Karner blue butterfly has been listed as endangered primarily because of the losses that have occurred in the eastern portions of its range. As the species has gained attention and more has been learned, the populations in Wisconsin and Michigan have been found in greater relative abundance than in other states. When dealing with invertebrates, however, it is the policy of the USFWS, based on the definition of "species" in the ESA, to give all populations the same legal status (e.g., endangered) regardless of the state in which they occur.

The habitat of the Karner blue butterfly is characterized by the presence of wild lupine (*Lupinus perennis*), a member of the pea family. Wild lupine is the only known larval food plant of the Karner blue butterfly and is, therefore, closely tied to the butterfly's ecology and distribution (Premo, *et al.* 1994). In the Midwest, the natural habitat is dry and sandy, including oak savanna and jack pine barrens. In addition, Karner blue butterflies commonly colonize areas altered by human manipulation such as road and utility rights-of-way, some agricultural areas (primarily old fields) and forested areas after logging occurs. Also, sites cleared for development are sometimes colonized by lupine and Karner blue butterflies prior to the development.

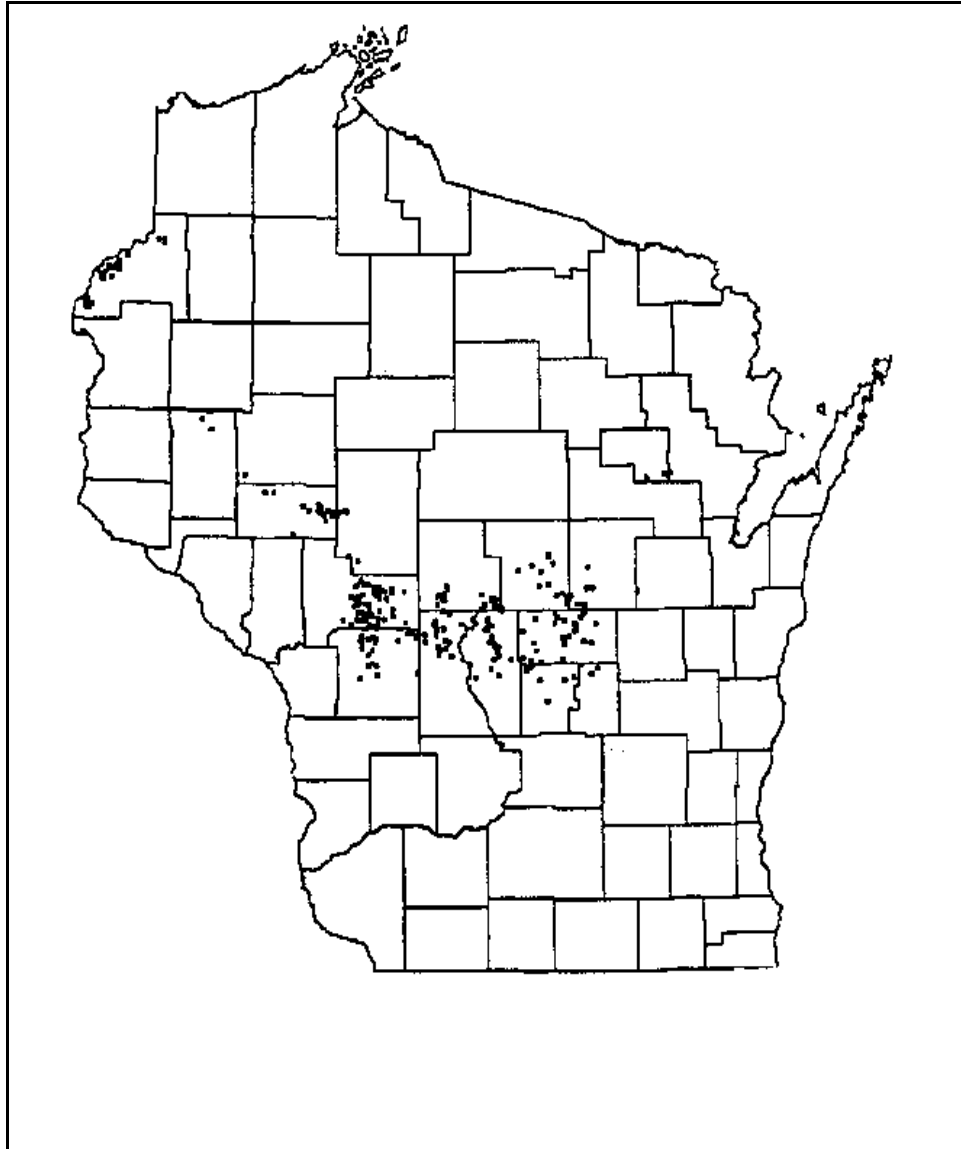
*The Karner blue butterfly has not been listed as endangered or threatened under the Wisconsin endangered species law.* The state's known existing Karner blue butterfly populations are distributed across the central counties, and in a couple of counties in the Northwest (see Figure 1.1, page 7). Past land management activities in these areas may have contributed to the current relative abundance of Karner blues in Wisconsin. Karner blue butterfly distribution and abundance is discussed in more detail in Part B of Chapter II (pages 57-59).

Maintaining current Karner blue butterfly populations in Wisconsin and encouraging practices that do not contribute to population declines in the state are important conservation needs. Further, it is hoped that encouragement of additional land management practices that favor habitat for Karner blue butterflies will result from the attention created by this HCP.

More detailed information on the biology of the Karner blue butterfly is included in Part B of Chapter II and in Appendix A. Information regarding proposed land management activities is included in Part C of Chapter II (pages 80-96).

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**Figure 1.1. Distribution of the Karner Blue Butterfly in Wisconsin (Based on Natural Heritage Inventory Data for the Period 1990-1996)**



**Note:** Individually mapped dots may represent a single butterfly occurrence or a large known butterfly population.

## **B. Purpose and Need**

The purpose of the proposed federal action is the issuance of a permit pursuant to the provisions of section 10(a)(1)(B) of the ESA which would authorize the incidental take of Karner blue butterflies throughout the state of Wisconsin for a period of 10 years.

The purpose of the proposed state action is preparation and implementation of an HCP which will contribute to the conservation of the Karner blue butterfly and its habitat, while allowing planned management and development activities on non-federal lands to continue.

Due to Karner blue butterfly presence, many land management practices that were legal prior to federal listing in 1992 are no longer permissible because of the possibility of incidental take. However, because of the intermittent distribution and disturbance-dependence of the Karner blue butterfly and its host plant, wild lupine, it is likely that such management activities (i.e. those that result in disturbance) could improve the conditions to support Karner blue butterflies. Despite the short-term incidental take of some individual butterflies, this could potentially increase the chances of Karner blue butterfly population viability over the long-term.

There is a need, therefore, for the DNR and the other partners to secure the permit allowing for the incidental take of Karner blue butterflies. This would enable partners in the permit process to engage in planned management and development activities that are otherwise legal.

The USFWS is required to respond to all applicants seeking permits which would allow the incidental take of listed species. It is necessary for the USFWS to assure that the HCP and the implementing agreement submitted by the applicant comply with the provisions of the ESA with regard to incidental taking [50 CFR 17.22 (b)(2)] prior to issuance of a permit for the take of Karner blue butterflies.

Examples of otherwise lawful land use activities that require this incidental take permit to continue are:

- ☞ maintenance and/or development of roadways by the Wisconsin DOT and town and county highway departments,
- ☞ management and harvest of timber stands, including the control of vegetation that competes with planted seedlings,
- ☞ maintenance and/or development of utility corridors,
- ☞ prescribed burning and mowing for the maintenance of native prairie and barrens community structure, and
- ☞ recreational trail and park development.



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## C. Proposed Actions

The proposed federal action is the issuance of an incidental take permit for Karner blue butterflies in Wisconsin pursuant to section 10(a)(1)(B) of the ESA. The permit would authorize the take of Karner blue butterflies on *all* non-federal lands in Wisconsin pursuant to this HCP and incidental to otherwise lawful land management activities and development projects. The applicant for the permit is the Wisconsin DNR. Other parties to the permit comprise a partnership of the [30](#) public and private entities<sup>2</sup> identified in Table 1.1, below. The proposed state action is the preparation of this HCP and incidental take permit application and the implementation of the actions outlined in these documents.

In addition to the partners identified in Table 1.1, it is proposed that other private landowners be brought under the coverage of the incidental take permit through voluntary participation in the process identified in Part F of Chapter II of the HCP. A brief history of and a copy of the "articles of partnership" for the Wisconsin Karner Blue Butterfly HCP effort are included in Appendix C.

**Table 1.1. [Wisconsin Karner Blue Butterfly HCP Partners](#)**<sup>1</sup>

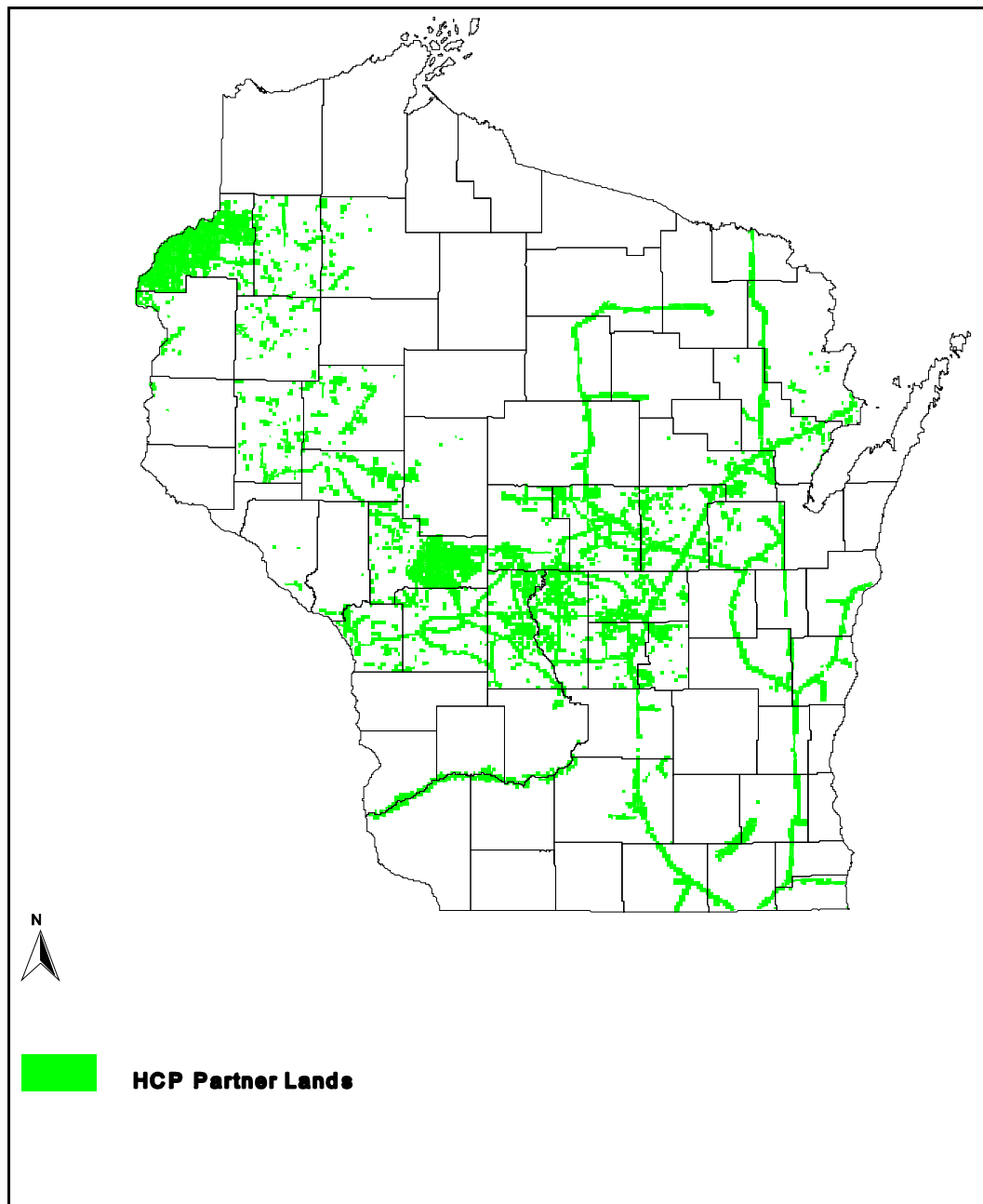
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<b>Industrial Forest Companies</b> International Paper -- Thilmany Johnson Timber Co. Plum Creek Timber Co. Stora-Enso North American Corp. Wausau-Mosinee Paper Corp.	<b>Non-Profit Conservation Organizations</b> The Nature Conservancy	<b>County Forests</b> Burnett County Clark County Eau Claire County Jackson County Juneau County Monroe County Washburn County Wood County
<b>Wisconsin State Agencies</b> Dept. of Agriculture, Trade and Consumer Protection Dept. of Natural Resources Dept. of Transportation	<b>Utilities</b> Alliant Energy American Transmission Co. ANR Pipeline Co. Enbridge Energy Northwestern WI Electric Co. Polk-Burnett Electric Co-op. WE Energies Wisconsin Public Service Corp. Wisconsin River Power Co. Xcel Energy	<b>Towns</b> Town of Lincoln-- Burnett County Town of Millston-- Jackson County
<b>Highway Departments</b> Adams County Highway Dept.		

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Wisconsin's Karner Blue Butterfly HCP is partner-driven and shifts the focus from the traditional emphasis on minimizing take, to an emphasis on proactive conservation to manage and maintain Karner blue butterfly habitat. The HCP outlines statewide strategies for land management with consideration for Karner blue butterflies, habitat and right-of-way protection and enhancement and broader ecosystem management. These strategies are outlined in Part C of Chapter II. In addition, some partners have chosen to voluntarily engage in activities

**Figure 1.2. HCP Partner Lands Included in the HCP to be Managed for Consideration of the Karner Blue Butterfly**



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related to Karner blue butterfly recovery. These activities are outlined in individual conservation agreements -- including an implementation agreement between the DNR and the USFWS -- and Parts C and D of Chapter II (pages 61-124). The relationship between the HCP and ITP (non-federal responsibilities) and the Karner blue butterfly recovery plan (federal responsibilities) is discussed in Chapter VI (page 335).

Conservation strategies were developed by the HCP Partners based on their individual lands and activities. These activities are described in more detail in Chapter II. The DNR, as applicant and HCP coordinator, will work with the partners to ensure that the "sum of all these parts" provides for Karner blue habitat conservation in a coherent manner across the butterfly's entire state range. Activities which will be undertaken to *minimize* and *mitigate* the potential acreage loss of Karner blue butterfly habitat were identified and are described in more detail in Parts C and H of Chapter II and Appendix F. The HCP partner lands to be managed with consideration for the Karner blue butterfly are depicted in Figure 1.2 (page 10). [About 251,900 acres of partner lands are included.](#)<sup>3</sup>

Some partners have outlined specific conservation measures in their conservation agreements. Other partners have agreed to follow the guidelines included in the HCP and Appendix F. Others will do a mix of what is in the HCP (and Appendix) and their own approach. All commitments, however, are stated in the partners' conservation agreements, especially if they are to be different than what is included in the HCP.

The principles of adaptive management will be applied as procedures for dealing with *unforeseen circumstances* or as a process for incorporating modifications to management activities that may benefit Karner blue habitat. Partners will apply these principles as outlined in Parts D and H of Chapter II, Appendix G and their individual, legally-binding conservation agreements.

To ensure that the HCP is effective in maintaining Karner blue butterfly populations, the HCP partners will be engaged in *monitoring* activities that are both scientifically sound and economically achievable. These activities are outlined in Part D of Chapter II (pages 98-105). The activities described in the HCP represent a significant commitment of financial resources by individual partners and the applicant. Part G of Chapter II (pages 151-157) describes the *funding*, including in-kind-services, committed to implementation of the HCP and adaptive management needs.

An important part of the development of the HCP and individual conservation agreements was the involvement of non-partner participants. Representatives from several organizations (e.g., the Sierra Club, Wisconsin Woodland Owners Association and Wisconsin Audubon Council) participated in all of the partnership meetings and reviewed draft documents and other HCP products. Their participation was critical to ensuring an HCP which is implementable and which conserves Karner blue butterfly habitat. Participants in the HCP process are listed in Chapter VI in the part describing "Document Distribution" (pages 356-358). Continued involvement and assistance in the implementation of the conservation strategies authorized by an ITP is

anticipated.

## **D. Decisions Needed**

This section describes decisions needed under federal, state and local laws, including the Endangered Species and National Environmental Policy acts, the Wisconsin Environmental Policy Act, and local laws and ordinances. In addition to public approval, corporate approvals needed for this HCP are also indicated. Further information on compliance, consultation and coordination is included in Chapter VI.

### **1. Endangered Species Act (ESA)**

Before issuing an incidental take permit, the USFWS must ensure that all requirements of section 10(a)(1)(B) of the ESA are met (see page 2 and Chapter VI, pages 334-335). After evaluating the requirements, the USFWS may:

- 1) may deny the permit,
- 2) issue a permit based on implementation of the HCP as received, or
- 3) issue a permit conditioned on implementation of the HCP and other measures specified by USFWS.

Under section 7(a)(2) of the ESA, issuance of an incidental take permit by the USFWS is a federal action subject to section 7 compliance. Therefore, a USFWS internal section 7 consultation must be conducted to insure that issuance of the permit will not jeopardize the continued existence of the Karner blue butterfly.

### **2. National and Wisconsin Environmental Policy Acts**

The USFWS must also comply with the National Environmental Policy Act (NEPA) of 1969, which requires federal agencies to evaluate the effects of the proposed actions on the human environment. Similarly, the DNR must comply with provisions of the Wisconsin Environmental Policy Act (WEPA) of 1972.

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This document includes an environmental impact statement (EIS) prepared in compliance with NEPA to identify and evaluate potential impacts of the proposed USFWS action, including the direct, indirect and cumulative effects of the proposed incidental take. The EIS is contained primarily in Chapters III-IX of this document. The EIS is used by the USFWS to evaluate the potential impacts of available alternatives, including issuance of an incidental take permit.

Issuance of the permit as proposed will require that the DNR, as the applicant, enter into an Implementation Agreement with the USFWS regarding implementation of the HCP. Individual HCP partners will enter into conservation agreements with the applicant. Most private landowners will fall into a voluntary category and be covered automatically by the incidental take permit (see Part F of Chapter II, pages 135-140). Some groups of landowners fall into a non-voluntary category, must avoid take and must follow the inclusion process outlined in Part F of Chapter II (pages 130-135). No other formal federal, state, or local permits or approvals are required of the applicant prior to the USFWS's decision.

The Wisconsin Environmental Policy Act (WEPA) is a state law designed to encourage environmentally sensitive decision making by state agencies. It spells out the state's environmental policy and requires state agencies to consider the environmental effects of their proposed actions to the extent possible under their statutory authorities. WEPA also establishes the principle that broad citizen participation should be a part of environmental decision-making. WEPA imposes procedural and analytical responsibilities on state agencies, but does not apply to local governments or private parties unless their actions involve state agency regulation or funding.

The DNR's procedures for implementing WEPA are outlined in Chapter NR 150, Wis. Adm. Code. This code states that "it is the intent of the Natural Resources Board to declare a policy that will encourage productive and enjoyable harmony among people and their environment; to promote efforts which will prevent or eliminate damage to the environment; and to enrich the understanding of the important ecological systems and natural resources of the state" [s. NR 150.025(1)(a), Wis. Adm. Code]. A key part of ch. NR 150 is the "Action Type List." Here, all DNR actions are placed into one of four categories involving various levels of environmental analysis and public involvement. The DNR uses the type list to determine the minimum review process appropriate for a particular proposed DNR action.

The HCP is a long-range resource management plan. Under ch. NR 150, Wis. Adm. Code, development of the HCP and permit application is considered a Type 2 action (i.e. an action that has the potential to cause significant environmental effects and that may involve unresolved conflicts in the use of available resources) [see s. NR 150.03(6)(a)5.a., Wis. Adm. Code]. As a result, preparation of an HCP and permit application requires the development of an environmental assessment under state law. The DNR determined that the proposal is a major action significantly affecting the quality of the human environment, and the full WEPA EIS process under sections. NR 150.21 to NR 150.24 is required and replaces preparation of an EA

(s. NR 150.20(1)(c)3, Wis. Adm. Code). The Wisconsin Karner Blue Butterfly HCP is statewide in nature, covers numerous acres of land and affects multiple landowners. In addition, a partnership effort like this has not been previously pursued in Wisconsin. The EIS included in this document (primarily Chapters III-IX) was prepared in compliance with the provisions of ch. NR 150, Wis. Adm. Code, to identify and evaluate potential impacts of the proposed state actions.

### **3. Other Necessary Approvals**

In addition to the state and federal approvals discussed above, a number of other decisions and approvals will be necessary to implement the HCP.

The County Board of Supervisors for each county forest participating in the HCP process must approve the individual, legally-binding conservation agreement its respective county will enter into with the DNR. Each county's staff will examine the agreement prior to review and action by the County Board to approve these documents. Each county's forestry committee must review the conservation agreement to assure compliance with the County Forest 10-Year Land Use Master Plan (see Chapter VI, pages 341-343), as well.

The DNR Secretary must approve the implementing agreement with the USFWS. Appropriate administrators in the DOT and the DATCP, including the agency secretaries, must approve their agencies' conservation agreements with the DNR.

Forest industry companies, utility managers and conservation organizations must obtain upper-level management or corporate-level approval to enter into the legally-binding conservation agreements.